

**Special Magistrate WaterWorks 2011 Hearing
City Commission Meeting Room
Judge Floyd Hull, Presiding
March 23, 2009
10:00 A.M. – 11:07 A.M.**

Staff Present:

Brian McKelligett, Clerk of Special Magistrate Supervisor
Sue Holmes, Secretary, WaterWorks Special Magistrate
Erin Peck, Secretary, WaterWorks 2011 Special Magistrate
Heather Steyn, WaterWorks 2011 Public Involvement Coordinator
Lisette Tarsia, WaterWorks 2011 Project Coordinator

Respondents and Witnesses:

CE08081443: Hinh Duy Nguyen, owner
CE08040950; CE08040951: Lee Williams, owner
CE08071541: Brian Thomas, owner
CE08100950: Latasha Little, owner
CE08101047; CE08101061: Jose Sabate, owner
CE08101060: Jorge Berlingeri, owner's brother
CE08101065: Thomas Typner, owner
08100993: Michael Dolliver, owner

NOTE: All individuals who presented information to the Special Magistrate during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 10:00 A.M.

Case: CE08101065

Request for extension

T N & Jeanine M Typner
1521 Southwest 22 Street

This case was first heard on 1/26/09 to comply by 3/27/09.

Inspector Steyn reported the connection fee had not been paid and the permit had not been issued.

Mr. Thomas Typner, owner, said he had spoken with Albert Carbon, Director of the Public Works Department, who said Mr. Typner's case would go before the City Commission, and recommended a 120-day extension. Mr. Typner read a prepared statement explaining his disagreement with the ordinance that required him to abandon his septic system. Mr. McKelligett recommended granting the 120-day extension.

Judge Hull granted a 120-day extension.

Case: CE08081443

701 Gas Corp
701 West Broward Boulevard

This case was first heard on 10/27/08 to comply by 1/25/09. The property was not complied and the City was requesting imposition of a \$5,600 fine, which would continue to accrue until the property complied.

Mr. Hinh Duy Nguyen, owner, said he was selling the property and the buyer had agreed to take care of the sewer connection. The closing was scheduled in two weeks. Mr. Nguyen said he had gone out of business and the lender had taken back the property.

Inspector Steyn said she had been speaking with the buyer, and she believed he would make the connection. She recommended a 45-day extension.

Judge Hull granted a 45-day extension.

Case: CE08100993

M R & Sandra C Dolliver
2216 Southwest 15 Street

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied and the City was requesting imposition of a \$2,800 fine, which would continue to accrue until the property complied.

Mr. Michael Dolliver, owner, said he did not understand what was going on. He said the house was in foreclosure and they had no money.

Inspector Steyn stated maybe another 90-day extension was appropriate if the Dollivers had financial issues.

Mr. Dolliver said they had applied for a grant but this had been denied. He stated they intended to comply but could not come up with the money because they had just enough money to get by. Mr. Dolliver said a patio and handicapped sidewalk must be removed in order to hook up to the sewer and he estimated it would cost \$5,000 to \$7,000. He requested an extension.

Inspector Steyn said the Dollivers had signed up for the promissory note for the connection fee but must pay for the contractor themselves. Mr. Dolliver said his mortgage company was working with them to reduce their monthly payments. He explained that he had obtained a second mortgage to pay for his wife's surgery.

Mr. Dolliver said he had sent a complete explanation as soon as he received the citation.

Ms. Steyn informed Judge Hull that the first notices regarding the connection process were sent out in May 2008.

Mr. Dolliver said he was begging for additional time.

Judge Hull imposed the fine.

Case: CE08101061

Request for extension

12 LLC
1512 Southwest 25 Street

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied fines had accrued to \$2,800.

Mr. Jose Sabate, owner, said he had missed the last hearing because his son had an accident at school. He said he had lost his job in November but was now employed and requested a 90-day extension. Mr. Sabate said he had an estimate from a contractor.

Judge Hull granted a 90-day extension.

Case: CE08101047

Request for extension

12th LLC
1415 Southwest 24 Court

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied fines had accrued to \$2,800.

Mr. Jose Sabate, owner, said the same situation applied at this property.

Judge Hull granted a 90-day extension.

Case: CE08071541

Request for extension

Brian E Thomas
1311 Southwest 26 Avenue

This case was first heard on 10/27/08 to comply by 1/25/09. The property was not complied fines had accrued to \$5,600.

Mr. Brian Thomas, owner, said he had been unemployed since November 2008. He requested a 90-day extension. Mr. Thomas said he did not intend to neglect his responsibility but he had no funds. He wondered how imposing a fine would solve the problem.

Inspector Steyn reminded Judge Hull that an extension had been granted in October.

Judge Hull granted a 60-day extension.

Case: CE08101060

Sol Foods
1510 Southwest 20 Street

This case was first heard on 11/24/08 to comply by 12/24/08. The property was complied and the City was requesting imposition of a \$260 fine [reduced from \$2,900].

Mr. Jorge Berlingeri, owner's brother, agreed to the \$260 fine.

Judge Hull imposed the \$260 fine.

Case: CE08100950

Latasha Little
1327 Southwest 22 Terrace

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied and the City was requesting imposition of a \$2,800 fine, which would continue to accrue until the property complied.

Ms. Latasha Little, owner, said she had been approved for the grant. The contractor mailed her a permit application and a notice of commencement to return to him. She requested additional time.

Inspector Steyn recommended withdrawing the case.

Judge Hull vacated the order dated 11/24/08 and the case was withdrawn.

The following two cases for the same owner were heard together:

Case: CE08040950

Hearing to impose fines

Will Lauren Enterprises LLC
1022 Southwest 2 Court

This case was first heard on 6/16/08 to comply by 9/14/08. Extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$12,800 fine, which would continue to accrue until the property complied.

Case: CE08040951

Hearing to impose fines

Will Lauren Enterprises LLC
1116 Southwest 1 Street

This case was first heard on 6/16/08 to comply by 9/14/08. Extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$12,800 fine, which would continue to accrue until the property complied.

Mr. Lee Williams, owner, said he had connected 48 of the 60 units. He explained that the WaterWorks project was delayed one year, delaying his completion date, and many owners had pulled out of purchasing the units. He was now in litigation because of this. Mr. Williams had spoken with Inspector Steyn regarding suspension of the connection fee.

Inspector Steyn said Mr. Williams was now delaying the WaterWorks project. His property must be connected for them to continue. Mr. Williams stated he could make the connections, but asked the City to work with him on the connection fee. Inspector Steyn said they were working with Mr. Williams regarding the connection fees, but believed it was

in the City's best interest to certify the fines and deal with them later, after Mr. Williams connected. Mr. Williams reiterated that he was in several lawsuits and said he would probably lose \$3 million.

Inspector Steyn recommended a 90-day extension. Mr. McKelligett clarified that Mr. Williams was working the City and Paul Bohlander regarding the connection fee.

Judge Hull granted a 90-day extension.

Case: CE08101098

Michelle Ashmus
2512 Southwest 14 Avenue # 504

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101108

Juana Drago
2520 Southwest 14 Avenue # 805

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101109

David Ross
2520 Southwest 14 Avenue # 806

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101110

Shawn Cash
2524 Southwest 14 Avenue # 901

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101122

Andersson J Brito & Jose Arcia
2532 Southwest 14 Avenue # 305

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101403

William T Huegele
2536 Southwest 14 Avenue # 1102

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101406

Nelson Zelaya
2516 Southwest 14 Avenue # 404

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101407

Michele Henney
2516 Southwest 14 Avenue # 406

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had been paid but the permit had not passed final inspection. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08101804

Oscar A Castillo, Trustee
Gordan Family Trust
1647 Northwest 15 Terrace

Service was via posting on the property on 3/4/09 and at City Hall on 3/5/09.

28-33(a)

NOT CONNECTED TO CITY'S SANITARY SEWER SYSTEM.

Inspector Steyn reported the connection fee had not been paid and the permit had not been issued. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day.

Case: CE08040906

Hearing to impose fines

1115 Southwest 4th Street LLC
1115 Southwest 4 Street

This case was first heard on 8/25/08 to comply by 2/21/09. The property was not complied and the City was requesting imposition of a \$2,900 fine, which would continue to accrue until the property complied.

Judge Hull imposed the \$2,900 fine, which would continue to accrue until the property complied.

Case: CE08071497

Hearing to impose fines

David Luiz
2650 Southwest 13 PL

This case was first heard on 9/22/08 to comply by 12/21/08. The property was complied and the City was recommending no fine be imposed [reduced from \$700].

Judge Hull imposed no fine.

Case: CE08100983

Diane L Urban
2151 Southwest 14 Court

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied and the City was requesting imposition of a \$2,800 fine, which would continue to accrue until the property complied.

Judge Hull imposed the \$2,800 fine, which would continue to accrue until the property complied.

Case: CE08101048

Pirita Apartments Inc
1431 Southwest 24 Court

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied and the City was requesting imposition of a \$2,800 fine, which would continue to accrue until the property complied.

Judge Hull imposed the \$2,800 fine, which would continue to accrue until the property complied.

Case: CE08101049

Pirita Apartments Inc
1433 Southwest 24 Court

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied and the City was requesting imposition of a \$2,800 fine, which would continue to accrue until the property complied.

Judge Hull imposed the \$2,800 fine, which would continue to accrue until the property complied.

Case: CE08101107

HSBC Bank USA
C/O Ocwen Loan Servicing LLC
2520 Southwest 14 Avenue # 803

This case was first heard on 11/24/08 to comply by 12/24/08. The property was not complied and the City was requesting imposition of the \$8,800 fine, which would continue to accrue until the property complied.

Judge Hull imposed the \$8,800 fine, which would continue to accrue until the property complied.

Case: CE08101074

Edgar R Carlo
1619 Southwest 25 Street

This case was first heard on 11/24/08 to comply by 1/23/09. The property was complied and the City was requesting imposition of a \$260 fine [reduced from \$5,200].

Judge Hull imposed the \$260 fine.

Case: CE08101089

Fatima Solomon
2508 Southwest 14 Avenue # 707

This case was first heard on 11/24/08 to comply by 12/24/08. The property was not complied and the City was requesting imposition of an \$8,800 fine, which would continue to accrue until the property complied.

Judge Hull imposed the \$8,800 fine, which would continue to accrue until the property complied.

Case: CE08101100

Alexander & Irina Pintel
2512 Southwest 14 Avenue # 506

This case was first heard on 11/24/08 to comply by 12/24/08. The property was not complied and the City was requesting imposition of an \$8,800 fine, which would continue to accrue until the property complied.

Judge Hull imposed the \$8,800 fine, which would continue to accrue until the property complied.

Case: CE08101058

Request for extension

Russell E & Julia F Fraser Jr
& Mary-Margaret Kral
1501 Southwest 20 Street

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied, and fines had accrued to \$2,800.

Inspector Steyn requested a 90-day extension.

Judge Hull granted a 90-day extension.

Case: CE08101063

Request for extension

Russell E & Julia F Fraser Jr
& Mary-Margaret Kral
1515 Southwest 20 Street

This case was first heard on 11/24/08 to comply by 2/22/09. The property was not complied and fines had accrued to \$2,800.

Inspector Steyn requested a 90-day extension.

Judge Hull granted a 90-day extension.

Case: CE08071401

Vacate imposition of fine order of 2/23/09

William C Curtis
2510 Davie Boulevard

Judge Hull vacated the order dated 2/23/09.

Cases Withdrawn

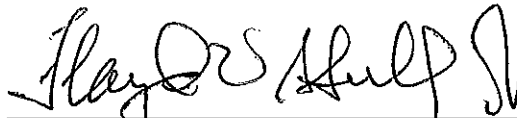
Mr. McKelligett announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE08101084

CE08101134

CE08071536

There being no further business, the hearing was adjourned at **11:07 a.m.**



Special Magistrate

ATTEST:


Clerk, Special Magistrate

Minutes prepared by J. Oppertlee, Prototype Services